



Dear Fellow Delawarean,

When it comes to protecting our families, safeguarding our wallets, knowing our rights as victims of crime, or understanding how the law can make our communities better, information is the key. Equipped with knowledge, we can make choices that greatly reduce our risk of becoming a victim of crime or fraud, and we can learn how to get help if we're mistreated.

End of life decisions, involving such issues as Advance Healthcare Directives, Living Wills, and Powers of Attorney, are difficult to make. It is critical that you be informed about these issues and that you make choices for your future while you are able to consider all the options. The Delaware Department of Justice has prepared this informational brochure to answer some basic questions about these issues.

By knowing all your options, you are better equipped to make decisions that will positively impact your future.

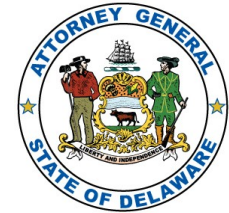
Beau Biden  
Attorney General

Delaware Department of Justice  
Fraud and Consumer Protection Division  
820 North French Street, 6th Floor  
Wilmington, DE 19801

## End of Life Decisions Know Your Options

Protecting Delaware's Families

Delaware Department of Justice



**Attorney General**  
**Joseph R. "Beau" Biden, III**

### Consumer Protection Unit

New Castle County	• (302) 577-8600
Kent County	• (302) 739-7641
Sussex County	• (302) 856-5353
Toll Free Consumer Hotline	• (800) 220-5424
Para asistencia en Espanol	• (877) 851-0482

[www.attorneygeneral.delaware.gov](http://www.attorneygeneral.delaware.gov)  
Email: [Consumer.Protection@State.DE.US](mailto:Consumer.Protection@State.DE.US)

Department of Health and Social Services  
Division of Services for Aging and Adults with  
Physical Disabilities  
Toll Free Hotline (800) 223-9074

# Make

## **What is a Durable Power of Attorney?**

Simply, a Durable Power of Attorney is one way to designate an agent to act on your behalf. A Durable Power of Attorney is a power of attorney in which you specifically empower the agent to continue to manage property or conduct legal transactions on your behalf even after you become incapacitated and may be drafted so that it becomes effective only if you are incapacitated.

## **What is a Health Care Power of Attorney?**

A Health Care Power of Attorney is a document through which you can name another individual to make health care decisions for you if you become incapable of making them yourself as determined by a physician. The agent must make all decisions in compliance with any instructions you left in an Advance Health Care Directive or, to the extent you have not left instructions, with what the agent determines would be your wishes.

**By knowing all of your options, you are better equipped to make informed decisions that will positively impact your future.**

# Informed

## **What is a Living Will?**

A living will is another term for what Delaware calls an Advance Health Care Directive. In an Advance Health Care Directive, you can give specific instructions about your future health care, including whether you want life-sustaining measures taken if you are in a terminal condition or are permanently unconscious.

### **Where can I find more information?**

Visit the Division of Services for Aging and Adults with Physical Disabilities website at:

**<http://www.dhss.delaware.gov/dhss/dsaapd/advance.html>**

This site provides additional information about Advanced Healthcare Directives and Living Wills and also contains a copy of Delaware's Advance Health Care Directive Form.

# Decisions

## **Can the agent designated in my Health Care Power of Attorney get my medical records and talk to my doctor?**

Yes, your health care agent has the same rights as you to gain access to your medical records and talk to doctors about your care, unless you specify otherwise in your Advance Health Care Directive.

## **Can I change my Advance Health Care Directive?**

Yes, as long as you are mentally competent, you can change any part of your Advance Health Care Directive, or revoke it entirely.

## **Will a living will executed in another state be honored in Delaware?**

Yes, unless the document is inconsistent with Delaware law.

**Division of Services for  
Aging and Adults with  
Physical Disabilities  
Statewide  
(800) 223-9074**